

E-filed 2/9/06

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELIZABETH TREVINO and YADIRA RIOS,
on behalf of themselves and all others similarly
situated,

Case No. C05-00239 JF (HRL)

Plaintiffs,

INTERIM ORDER RE: DEFENDANTS'
REQUEST FOR CLARIFICATION OF
DISCOVERY ORDER

v.

ACB AMERICAN, INC., HILCO
RECEIVABLES, LLC, B. MASTERS and
K. FRANCIS,

Defendants.

On February 6, 2006, defendants filed two documents with the court: (1) "Defendants' Objections to Magistrate's January 27, 2006 Order . . . and Motion for De Novo Determination and Motion for Expansion of the Record," and (2) "Defendants' Request for Clarification as to Order Re: Motions to Compel or in the Alternative, Request for Permission to File Motion for Reconsideration." The court understands these filings represent defendants' (1) request to this court to "clarify" its January 27, 2006 discovery order, andm, (2) in the alternative, objections to that order addressed to the trial court.

Specifically, defendants request clarification on three issues: (1) the intended temporal scope for the court's order that defendants provide information related to prior claims, litigation, and attorney demand letters; (2) whether the court's ruling with respect to Hilco Interrogatory no. 24 should be changed in light of the fact that the court may have misunderstood defendants'

1 representations about not having commenced litigation or arbitration against California debtors
2 during the relevant time period; and (3) whether footnote 9 of the order constitutes a "factual
3 determination," and if so, whether that factual determination is proper.

4 This court is willing to consider amending the January 27, 2006 order as to these three
5 issues upon further briefing by both parties. Accordingly, plaintiffs shall file an opposition or
6 response to defendants' request no later than February 13, 2006. Defendants may file a reply no
7 later than February 15, 2006. The matter will be deemed submitted on the papers unless
8 otherwise ordered by the Court.

9 **IT IS SO ORDERED.**

10 Dated: 2/9/06

11 /s/ Howard R. Lloyd
12 HOWARD R. LLOYD
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THIS SHALL CERTIFY THAT A COPY OF THIS ORDER WILL BE SENT TO:

Brian Lewis Bromberg	brian@brianbromberg.com
Jeanine K. Clasen	jclasen@mpbf.com, npruitt@mpbf.com, jmueller@mpbf.com
June D. Coleman	jcoleman@mpbf.com, fwilson@mpbf.com
Mark Ewell Ellis	mellis@mpbf.com, lmiller@mpbf.com
Allison Amy Krumhorn	allison@caclawyers.com
Lance A. Raphael	lar@caclawyers.com
Ronald Wilcox	ronaldwilcox@post.harvard.edu

* Counsel are responsible for providing copies of this order to co-counsel.

Dated: 2/9/06

/s/ RNR
Chambers of Magistrate Judge Lloyd